

**FILED**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

NOV 5 2018

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

NIMESH PATEL, Individually and on  
Behalf of All Others Similarly Situated; et  
al.,

Plaintiffs-Appellees,

v.

FACEBOOK, INC.,

Defendant-Appellant.

No. 18-15982

D.C. No. 3:15-cv-03747-JD  
Northern District of California,  
San Francisco

ORDER

Before: Peter L. Shaw, Appellate Commissioner.

The motion to maintain some portions of the opening brief and of volume III of appellant's excerpts of record under seal (Docket Entry No. 8), to which appellees have filed no opposition, is granted.

The Clerk shall maintain under seal the unredacted opening brief and unredacted volume III of the excerpts of record, both filed at Docket Entry No. 8.

The Clerk shall publicly file volumes I and II of the excerpts of record.

Appellant included with its motion to seal at Docket Entry No. 8 a notice of intent to unseal other portions of the opening brief and of volume III of the excerpts of record. Any response by appellees to the notice of intent to unseal those other portions of the opening brief and of volume III of the excerpts of record is due November 12, 2018. Absent any response, appellant will be ordered to

submit its redacted versions of the opening brief and volume III of the excerpts of record, and those versions will be made available to the public. *See* Interim Ninth Circuit Rule 27-13(f).

The opening brief and volume III of excerpts of record will be filed upon resolution of appellant's notice of intent to unseal.

The previously established briefing schedule remains in effect.

The motion to become amicus curiae will be addressed by separate order.